



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4211

Introduced 1/26/2004, by Jerry L. Mitchell

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-10 from Ch. 38, par. 12-10
720 ILCS 5/12-10.1

Amends the Criminal Code of 1961. Provides that it is unlawful for a person, other than a person licensed to practice medicine in all its branches, to tattoo or offer to tattoo a person under 18 (rather than 21) years of age. Provides that the penalty for unlawfully tattooing or piercing the body of a person under 18 years of age is a Class 4 felony (rather than a Class C misdemeanor). Provides that it is a Class 4 felony for an owner or employee of those businesses to permit a person under 18 years of age to enter or remain on the premises where tattooing or body piercing is being performed unless the person under 18 years of age is accompanied by his or her parent or legal guardian.

LRB093 13263 RLC 40704 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Sections 12-10 and 12-10.1 as follows:

6 (720 ILCS 5/12-10) (from Ch. 38, par. 12-10)

7 Sec. 12-10. Tattooing Body of Minor.➤

8 (a) Any person, other than a person licensed to practice
9 medicine in all its branches, who tattoos or offers to tattoo a
10 person under the age of 18 ~~21~~ is guilty of a Class 4 felony ~~€~~
11 ~~misdemeanor~~.

12 (b) Any person who is an owner or employed by a business
13 that performs tattooing, other than a person licensed to
14 practice medicine in all its branches, may not permit a person
15 under 18 years of age to enter or remain on the premises where
16 tattooing is being performed unless the person under 18 years
17 of age is accompanied by his or her parent or legal guardian. A
18 violation of this subsection (b) is a Class 4 felony.

19 (c) As used in this Section, to "tattoo" means to insert
20 pigment under the surface of the skin of a human being, by
21 pricking with a needle or otherwise, so as to produce an
22 indelible mark or figure visible through the skin.

23 (Source: P.A. 77-2638.)

24 (720 ILCS 5/12-10.1)

25 Sec. 12-10.1. Piercing the body of a minor.

26 (a) (1) Any person who pierces the body or oral cavity of a
27 person under 18 years of age without written consent of a
28 parent or legal guardian of that person commits the offense
29 of piercing the body of a minor. Before the oral cavity of
30 a person under 18 years of age may be pierced, the written
31 consent form signed by the parent or legal guardian must

1 contain a provision in substantially the following form:

2 "I understand that the oral piercing of the tongue,
3 lips, cheeks, or any other area of the oral cavity carries
4 serious risk of infection or damage to the mouth and teeth,
5 or both infection and damage to those areas, that could
6 result but is not limited to nerve damage, numbness, and
7 life threatening blood clots."

8 A person who pierces the oral cavity of a person under
9 18 years of age without obtaining a signed written consent
10 form from a parent or legal guardian of the person that
11 includes the provision describing the health risks of body
12 piercing, violates this Section.

13 (1.5) Any person who is an owner or employed by a
14 business that performs body piercing may not permit a
15 person under 18 years of age to enter or remain on the
16 premises where body piercing is being performed unless the
17 person under 18 years of age is accompanied by his or her
18 parent or legal guardian.

19 (2) Sentence. A violation of clause (a)(1) or (a)(1.5)
20 of this Section ~~Piercing the body of a minor~~ is a Class 4
21 felony ~~C misdemeanor~~.

22 (b) Definition. As used in this Section, to "pierce" means
23 to make a hole in the body or oral cavity in order to insert or
24 allow the insertion of any ring, hoop, stud, or other object
25 for the purpose of ornamentation of the body. "Piercing" does
26 not include tongue splitting as defined in Section 12-10.2.

27 (c) Exceptions. This Section may not be construed in any
28 way to prohibit any injection, incision, acupuncture, or
29 similar medical or dental procedure performed by a licensed
30 health care professional or other person authorized to perform
31 that procedure or the presence on the premises where that
32 procedure is being performed by a health care professional or
33 other person authorized to perform that procedure of a person
34 under 18 years of age who is not accompanied by a parent or
35 legal guardian. This Section does not prohibit ear piercing.
36 This Section does not apply to a minor emancipated under the

1 Juvenile Court Act of 1987 or the Emancipation of ~~Mature~~ Minors
2 Act or by marriage.

3 (Source: P.A. 92-692, eff. 1-1-03; 93-449, eff. 1-1-04; revised
4 10-9-03.)